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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 LEE MAX BARNETT,

12 Petitioner,

13 v.

14 RONALD DAVIS¹,

15 Respondent.
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No. 2:99-CV-2416-JAM-DMC

DEATH PENALTY CASE

ORDER

17 Petitioner, a state prisoner proceeding with appointed counsel, brings this petition
18 for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner's
19 motion for leave to file an amended petition (ECF No. 336). In light of the assignment of this
20 case to the undersigned and the amount of time petitioner's motion has been pending, the court
21 hereby permits the filing of supplemental briefing to allow the parties to address any changes in
22 the law, factual posture, or procedural posture which might affect the court's consideration of the
23 pending motion. Following the completion of supplemental briefing, the matter will stand
24 submitted.

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27 ¹ Pursuant to Federal Rule of Civil Procedure 25(d), Ronald Davis is substituted for
28 his predecessor. The Clerk of the Court will be directed to update the docket to reflect the above
caption and to terminate Kevin Chappell and Vincent Cullen as respondents.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court is directed to update the docket to reflect the current respondent is Ronald Davis and to terminate Kevin Chappell and Vincent Cullen as respondents;

2. Petitioner may file a supplemental brief in support of his motion for leave to amend within 45 days of the date of this order;

3. Respondent may file a supplemental opposition within 30 days of the date of service of any supplemental brief filed by petitioner; and

4. Petitioner may file a supplemental reply within 15 days of the date of service of any supplemental opposition brief filed by respondent.

Dated: September 20, 2019



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE